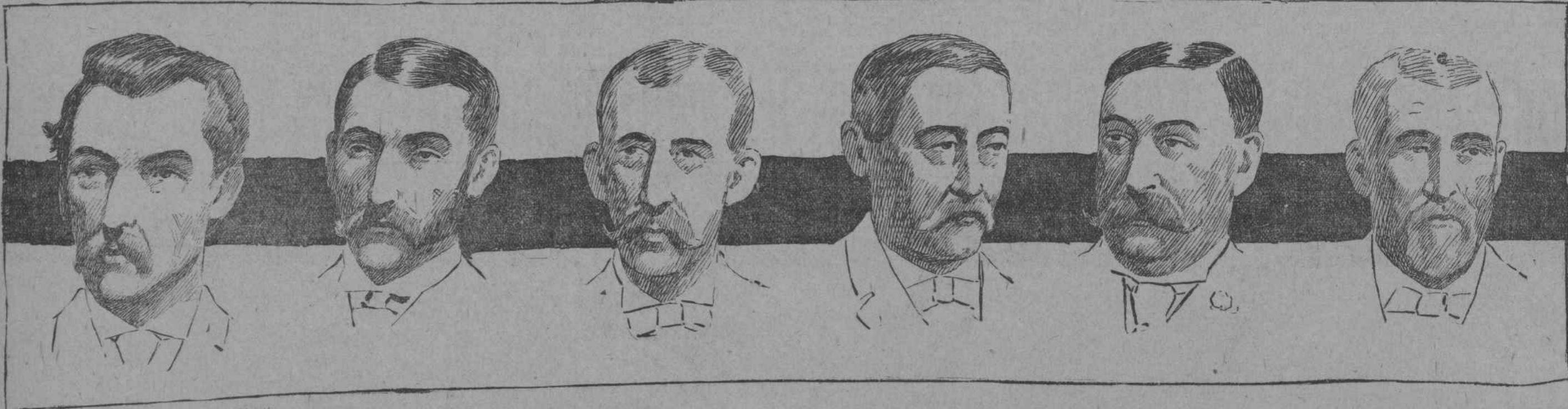


THE JURY WHICH WILL TRY THORN, AND



No. 1—Thomas Morse,
(Carpenter, of Corona.)

No. 2—Jacob Weeks,
(Farmer, Bayside.)

No. 3—George W. Cox, Jr.,
(Mason, of Sea Cliff.)

No. 4—William H. Hatfield,
(Farmer, of Hempstead.)

No. 5—Wellington Germond,
(Builder, of Jamaica.)

No. 6—John S. Dorian,
(Farmer, of Woodfield.)

Mr. Youngs—Would you in a capital case be willing to convict on circumstantial evidence alone? A.—If it was strong enough I would.
Q.—Have you read anything about this case? A.—No, sir.
Mr. Howe—If one person were to swear that he committed the murder and he denied and said another did it, and there was a reasonable doubt in your mind as to which of the two had done the murder, would you not acquit this man? A.—I would.

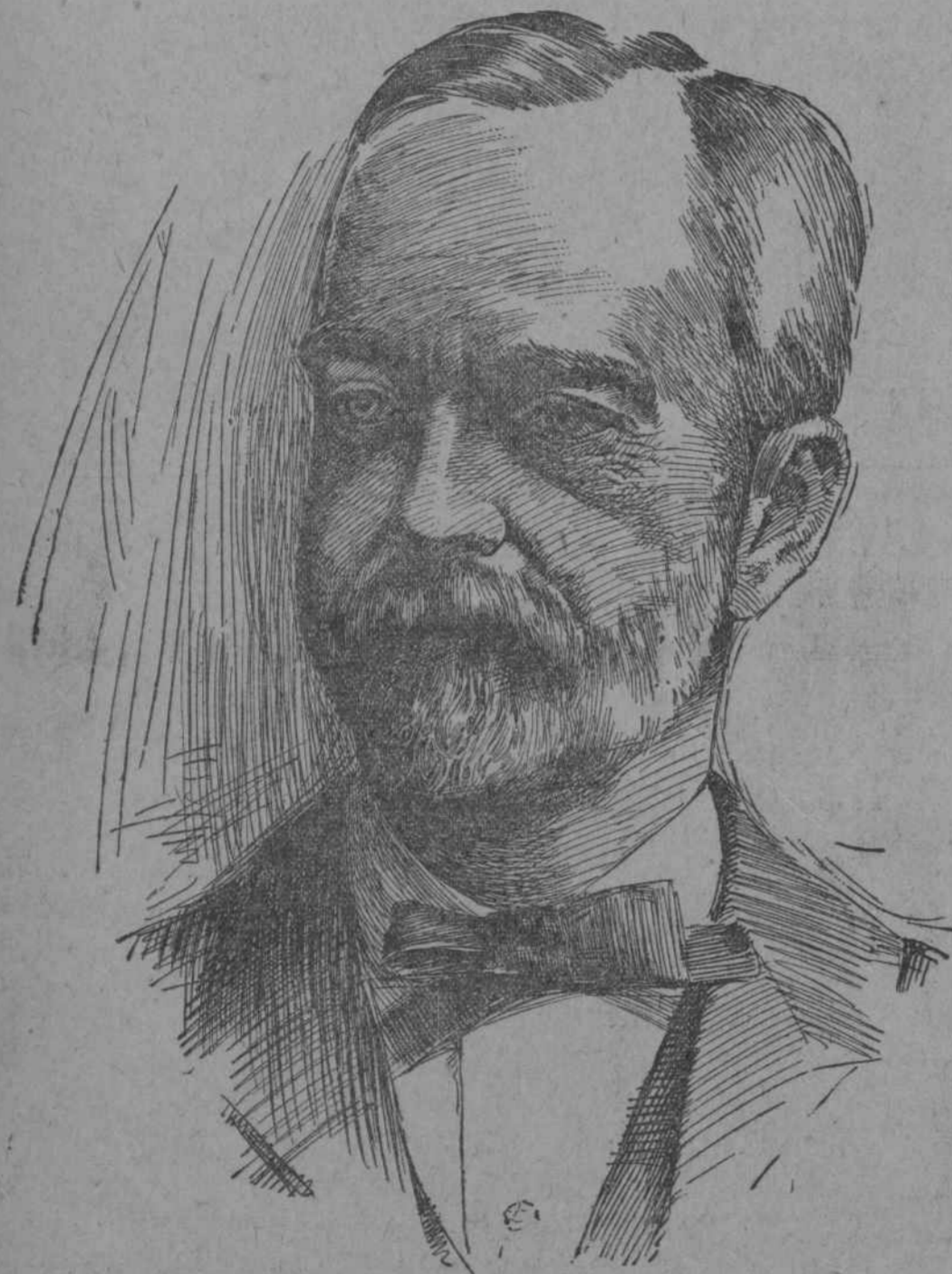
Mr. Howe—What is your idea of circumstantial evidence? A.—No eye-witness.
Q.—Have you formed an opinion as to this case? A.—No.
Q.—Are you married? A.—Yes.

Mr. Howe—Assume that a house is set on fire, that the insurance is ten times the value of the property. The owner enters the property late at night, the last person to go in. In a few minutes the house is burned down. That's circumstantial evidence; there are no eye-witnesses? A.—Then I'd convict.
Q.—Would you have no reasonable doubt? A.—No, I think not.

Thorn was evidently mistaken, so Schreiber was promptly sworn in.
Then they struck a barren streak.
James S. Seymour's opinion and principles were all right, but he didn't think he was well enough to go on.
The compensating advantage of ill health was also manifested in the case of John W. Sanford.
Gustave Frank was too near a neighbor to the Woodside cottage. Charles Conklin was deaf.
Henry Golder would require the prisoner to prove his innocence.
Mr. F. Farrington, of Jamaica, said he had taken little interest in the case, having read little more than the headlines of the newspapers. All his answers bore the earmarks of the juror.

Mr. Howe—What is your idea of circumstantial evidence? A.—It would need to be very strong before I would be willing to convict a man when the charge was one of murder.
Q.—Are you certain you have no prejudices or prior convictions in connection with the case? A.—Quite certain.
Mr. Howe—I'll accept you.

Mr. Howe—Are you opposed to circumstantial evidence? A.—Not if it connects.
Q.—Is your health all right? A.—Yes.
Q.—Who do you think committed this murder? A.—I don't know.
Q.—What would you chiefly consider in this case? A.—I would not consider the cutting up of the body; only the murder itself.



Judge Maddox, Who Presides at the Thorn Trial.

of the trial had been disposed of. Tomorrow should be sensational.

IS MR. YOUNGS PLANNING A COUP?

The Suspicion Arose That He Would Not Use Mrs. Nock as a Direct Witness.

When the prosecution opened its case yesterday by the introduction of the same witnesses with whom the first trial was begun, it occasioned surprise.
Those who had watched the previous hearing remembered the words of District-Attorney Olcott to the jury upon learning that Mrs. Nock had turned State's evidence. On that night and again on the following day, after Mrs. Nock had left the stand, Mr. Olcott, who was present and who appeared to be acting in an advisory capacity, said:
"Mrs. Nock's confession changes the complexion of the case. Before it was made we had only circumstantial evidence to offer. Now we have the direct testimony of one of the participants in the crime, and it becomes necessary to make her the chief witness and to use the circumstantial evidence in corroboration of her story."
When, therefore, this second trial was begun, the impression prevailed that Mrs. Nock would be one of the first called to the stand. At the close of District-Attorney Youngs' address to the new jury, however, in which he had not mentioned Mrs. Nock's name as a witness, and which he followed by the identical line of exhortation as had been pursued in the other trial, it was not clear whether he intended to use Mrs. Nock at all. The observers, ones were puzzled. Mr. Howe was annoyed, and District-Attorney Youngs uncommunicative.

Trick on Mr. Howe?
Many thought that the prosecuting attorneys had played a trick on Mr. Howe; that, after having secured from him the admission that the body of the dead man was that of William Goldensuppe, and that his client was at least an accessory after the fact, they did not feel it necessary to introduce Mrs. Nock as a direct witness and give Thorn the opportunity to say, when he took the stand, that she was telling him to save herself. It was insisted that Mrs. Nock, on this account, to be held in reserve and put on the stand only in rebuttal of what Thorn might testify in his own behalf.
The words of the attorney for the prosecution after the adjournment yesterday evening, do not warrant this assumption. Mr. Youngs at first said that he would not say whether he was to be done with Mrs. Nock, but later on he softened and admitted that she would be used in the ordinary course of the case, that it was first necessary to prove the corpus delicti and then the fixing of the crime upon Thorn would follow. Judge Weller, Mr. Youngs' chief associate, stated frankly that he knew of no intention not to introduce Mrs. Nock. Mr. Howe threw up his hands when questioned and answered:
"The Lord only knows. It's a very peculiar proceeding, I think."
It was given out yesterday afternoon that the prosecuting attorneys would reach a definite decision at a conference to be held last night, but no such meeting was held.
The purpose of the prosecution, therefore, appears to be at present to use Mrs. Nock as well as Gotha, the barber, to whom Thorn is alleged to have confessed; and Clark, the Tomb's prisoner, who says the same confession was repeated to him by Thorn.

To Attack Mrs. Nock.
The defense, on the other hand, will attempt to blacken still deeper Mrs. Nock's career, by placing her husband, Herman Nock, and other witnesses on the stand to describe her delinquencies as a midwife. The jury was completed at yesterday morning's session. The five men selected yesterday were:
MICHAEL BLAKE, carpenter, of Hempstead.
CHARLES SCHREIBER, real estate agent, of Valley Stream.
GEORGE H. ELLARD, oysterman, of Great Neck.
ELIAS VELSER, carpenter, of Port Washington.
MICHAEL BLAKE was the first witness called. His views on capital punishment and circumstantial evidence were irreproachable.

Mr. Moss examined for the defense.
"To use Mrs. Nock should take the stand," he asked, "and should swear the defendant killed a man, and he, in turn, should swear she did it, and there was a reasonable doubt in your mind as to which story to believe, would you acquit the defendant?"
An argument resulted from this question that involved every lawyer in the court before Judge Maddox decided that the names of Thorn and Mrs. Nock should not be used. So "one person" and "another person" were substituted for the names, and Mr. Blake announced that he would in such a contingency acquit the defendant.

The rest of this examination consisted of the old stereotyped questions and almost before he knew it Mr. Blake was in the jury box sworn in as Juror No. 8 to try Thorn.
Got This One Quickly.
Juror No. 9 was even more quickly secured. Charles Schreiber had read the newspapers, but had no opinion as to Thorn's guilt or innocence, about three minutes he was fit for acceptance, but Thorn leaned over and whispered to Howe. "One minute," said Howe, "are you a friend of Schreiber's?"
"No, sir."
"Did he take you down stairs to look at the prisoner?"

"No, sir."
Thorn was evidently mistaken, so Schreiber was promptly sworn in.
Then they struck a barren streak.
James S. Seymour's opinion and principles were all right, but he didn't think he was well enough to go on.
The compensating advantage of ill health was also manifested in the case of John W. Sanford.
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Mr. F. Farrington, of Jamaica, said he had taken little interest in the case, having read little more than the headlines of the newspapers. All his answers bore the earmarks of the juror.

Which Would He Believe?
"You know," said Mr. Howe, "that there will be a conflict of the evidence; that the man will say the woman is guilty and the woman will say the man is guilty. Suppose you have a reasonable doubt as to which did it, would you give the benefit of that doubt to the defendant?"
"Yes."
"You have probably read that after the killing the body was most horribly mutilated. Would that prejudice you against the defendant if it were claimed he had part in that?"
"No."
"Challenge withdrawn. Juror accepted," said Howe.

But Youngs peremptorily challenged.
Then came a series of men who had fixed opinions, prejudices against capital punishment, unfaith in circumstantial evidence, or whose ill-health made them reluctant to serve. There was not a new excuse until Cornelius Powell, of Oyster Bay, came up, and the District-Attorney confessed that Mr. Powell was a near friend and neighbor, which Mr. Howe counted as sufficient reason to let him go.

The progress they had made was so satisfactory that the opposing lawyers grew so considerate of each other that they no longer attempted to argue talesmen out of their notions, and almost any sort of a challenge prevailed. This made the trial run smoothly, but made it difficult to get juriesmen. Had Judge Smith been on the bench, most likely the two jurors who were lacking would have been secured in the first hour of the session.
Jacob Schelder got on pretty well, but admitted a slight opinion, which he denied was a fixed one.

"If strong enough evidence were introduced to overcome your opinion you would acquit, I suppose?" said Howe.
"Certainly."
"But if no strong evidence was introduced by the defense, Mr. Opinion would remain the strongest witness against the prisoner, eh?" said Howe.
"It might be so," said the talesman.
The talesman nodded and the nod removed his chance to get into the jury box. James J. Mendez, of Freeport, who looked too young for his white hair and mustache, was asked by Howe if he would acquit whether Thorn or Mrs. Nock was really the murderer?
"Yes, sir," said the witness.
"So believing, I accept you," said Mr. Howe.
"Peremptorily challenge the juror," said Mr. Youngs.

His Personality Did Not Suit.
Thomas De Venn was another whose answers suited, but whose personality did not, and Moss challenged him peremptorily.
George H. Ellard, an oysterman of Great Neck, passed the prosecution swiftly. Howe got jocular.
"He has never had any oyster business with Mr. Youngs?"
"No."
"You wouldn't mind leaving your home on Thanksgiving?"
"No."
Ellard satisfied both sides and became Juror No. 10.

"When you first heard of the case you had a big strong opinion, and it has become sort of modified by what you read later," suggested Howe, and the massive mind above the diamonds thought out: "He thought Thorn guilty until the Nock confession, and that has shaken his belief."
So Howe lead the talesman along the flowery path of questions that answered themselves, because jurors in that state of mind are not as thick as blackberries in June.
"Well, sir, I'll be very happy to have you on this jury, and so withdraw the challenge," Howe said finally.
"Suppose," said Mr. Youngs, "that in this trial both were proved to be guilty, though only one is on trial now, would you do it?"
"Find him guilty, naturally."

But He Was Excused.
"We will excuse the juror," said Youngs, after consultation with his notes of the prosecution.

Michael Wolf, a mason, of Woodside, was crowded off the jury by the same means—the prosecution's peremptory challenge. He had read all about the case, but was in no positive frame of mind about the guilt or innocence of Thorn, and Howe asked about his opinion on the case.
"I think the crime was committed by everybody, of course."
"By whom?"
"I don't know."
They could not get a better state of mind than that, so Mr. Watts became Juror No. 11.

They exhausted one panel without completing the jury and started in on a second. They went through a dozen talesmen before they came to Elias Velsor, of Port Washington. He had read all about the case, but was in no positive frame of mind about the guilt or innocence of Thorn, and Howe asked about his opinion on the case.
"I think the crime was committed by everybody, of course."
"By whom?"
"I don't know."
They could not get a better state of mind than that, so Mr. Watts became Juror No. 11.

It Would Take
many columns to state the advantages of Journal "Wants" over all others. Try one and see.



Thorn Sat Listlessly All Day.

the lawyers were glad to give him the one remaining seat in the box.
Then court adjourned for lunch.

NOT A WORD OF MRS. NACK AS A WITNESS.

District-Attorney Youngs Omitted to Speak of Her in His Opening Speech.

District-Attorney Youngs began his opening statement as soon as court reconvened in the afternoon. He rapidly sketched the case for the prosecution in about the same language he employed in addressing that other jury two weeks ago. He spoke well, and Thorn listened intently. As Thorn recognized the phrases that denounced him as the murderer he slightly nodded a sort of notice to himself that he had heard the words.
After an explanation of the case, Mr. Youngs told again the story of the finding of the scattered fragments of Goldensuppe's body.

He repeated the story of the identification of the remains, by marks on the fragments, which seemed rather unnecessary, now that Mrs. Nock has confessed it was Goldensuppe they murdered, and that the defense had indicated that there will be no question raised concerning the identity of the corpse, but that Thorn would charge Mrs. Nock with having murdered the bath tubber.

Clarke's Story Retold.

So it was with the statement of Convict Clarke as to Thorn's confession to him.
It was a matter of considerable wonder that Youngs made no mention of Mrs. Nock's confession. When he made his opening statement the first time the woman had not told her story, so of course there was no reference to it, but now when the confession has been made, it is certainly remarkable that Youngs omitted it. He observed the admission in his proof that was followed in the last trial.

First came the boy who found the breast and arms in the East River. This was John Birk Edgar Meyer, thirteen years old, told how he found the bundle floating under the docks, who saw the bundle floating under the docks.
The policeman who guarded the ghastly bundle, the Morgue driver and the dead house attendant, traced the fragment of humanity to the slab.
Howe woke up and objected to the photographs of the fragments, which were being shown to the witnesses for identification. Judge Smith had overruled a similar objection, but Judge Maddox declined to permit the photographs until they had been proved. So the photographer who took them had to identify his handiwork.

Howe Questions Meyer.
The trial progressed swiftly. Howe made no move toward cross-examination until Birk Edgar Meyer, thirteen years old, told how he found the bundle containing the trunk and hips of the murdered man. The lad told of a blackberrying expedition he went on with his father. This was on Sunday, June 27. The lad described his find glibly and identified the olivaceous and wrappings that were about the trunk.
"My curiosity induces me to ask just one question," said Howe, turning to the boy.
"Did you ever study anatomy?" he asked.

"A little."
"Where did you first hear the word 'anatomy'?" he asked.
"In school."
"That's all; you're a very bright little boy," said Howe.

The boy's father, Julius Meyer, followed his son on the witness stand and made the identification of the olivaceous remains.

Some more policemen, Morgue drivers, etc., who had brought the parts of the body to their stations, and to the Morgue repeated their evidence, which added nothing to the total of knowledge about the murder of Goldensuppe, but was necessary for law court purposes.

Howe, still with his plan of admitting the identity of the corpse in order to have Thorn strike for his life by accusing Mrs. Nock, did not bother them with cross-examination.

The policemen and detectives identified the cloths and wrappings and recognized the grisly photographs.

Thorn Was Motionless.
Thorn was like a man listening to the reading of many columns of figures. He was not exactly bored, but knowing beforehand what each witness would say, it was hard for him to keep his attention on the evidence.

Howe let the prosecution have its way and didn't even make their identification of the olivaceous difficult. At the last trial, he fought doggedly against the introduction of any of this preliminary testimony before it was proved that Goldensuppe was really dead. This time he didn't even save the point. If the prosecution does not put Mrs. Nock on the witness stand it certainly looks as if William H. Howe was in for a rude awakening. He is likely to believe a bull that has tossed a horse's neck, but so far the court room is as peaceful as a Century Club meeting.

Hurried Matters Along.
The afternoon ticked away. The prosecution hurried the perfunctory witnesses, through their paces, and the testimony was punctuated with Howe's stereotyped declarations to cross-examine.
During an entire hour of the session the

Humors

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Boils, pimples and all eruptions are signs of impurities in the blood. The pimple which disfigures the face and the great scrofula sore which drains and exhausts the system are due to the same cause, and may be cured by the same great remedy, Hood's Sarsaparilla, which thoroughly purifies the blood.

Hood's Sarsaparilla
Is the Best in fact, the One True Blood Purifier. All druggists. \$1; six for \$5. Get Hood's.

Hood's Pills are the best after dinner pills.

A Lady writes—
I wouldn't do without Pearline, I couldn't, if I could. I couldn't do without Pearline. I couldn't if I would.

Millions use Pearline

counting for tastes. When Thorn stood up to face the jury as they were being sworn, and he and they looked at one another, a good opportunity was afforded to estimate the former. He looked as if he had taken a long breath, and was holding it as he stood there. The corners of his mouth were contracted, producing that similitude of a smirk which has so often been remarked in him. He stood quiet, motionless, with his narrow shoulders rounded forward and his hands hanging by his side. There was doubtless some relief in his mind that the long period of inaction was over, and that the crisis had at last arrived. But along with this feeling was present the inevitable tremor created by the terrible doubt as to the outcome. Much depends, for him, upon the impression which he is able to make upon the stand. And one cannot but admit that his personal appearance is strongly against him. As a dramatist would say, he is not a "sympathetic character," whereas his fellow criminal, Mrs. Nock, is not incapable of producing a favorable effect upon a jury.

After recess Mr. Youngs made his opening address, which was substantially the same as at the first trial, except that he called upon the jury to observe that Thorn alone was now arraigned, and that the evidence which has been offered during the interval enabled him to enter into some new circumstances and details. The address was forcibly delivered, and the jury listened intently, while Thorn's small eyes wandered stily from the jury over to the audience and back again, trying to gauge the effect of the speaker's words. Mr. Howe sat leaning back in his chair, his hands in his pockets and an expression of profound

nonchalance on his ruddy countenance. Once in a while he bent over the table and entered a memorandum on his notes. The audience, sternly admonished by the Judge, maintained admirable silence during the forty minutes or so occupied by the address. As on the former occasion, Mr. Youngs' manifest honesty and earnestness added weight to the powerful indictment which he delivered.

Witnesses Led by a Boy.
The procession of witnesses was headed by the boy who found the upper half of Goldensuppe's body. Mr. Howe interposed his objection against the introduction of only photographs of the remains, instead of the remains themselves. When asked whether he wished to cross-examine, he replied with deliberate distinctness, "Not a question." The Court sustained the objection, pending the production by the State of proof that the photographs were in fact what they purported to be. The Morgue photographer was accordingly called to the stand, and he supplied the required evidence.

The little boy who found the lower part of the trunk in the woods happened to say that it was cut off at the diaphragm, upon which Mr. Howe arose with, "Sonny, just for curiosity, did you ever study anatomy?" "Yes, a little," "When did you first hear about a diaphragm?" Inquired the lawyer with a benevolent smile. "When I was between the fifth and sixth grade," was the reply. "Oh," ejaculated Mr. Howe, his smile becoming still broader, "you are a very bright boy!" and the audience murmured and grinned concurrence. This was about the only novelty connected with this part of the testimony, the repetition

of which was, of course, perfunctory. It sounded familiar in all ears save those of the jury, as did the peculiarly aggravating oil cloth exhibits smell in the general nostrils.

Mr. Howe's Shrewd Plan.

Mr. Howe continued to interpose objections against certain evidence, until at length His Honor said: "I will hear you on the objection now, if you like, Mr. Howe." "Oh, no, Your Honor," the lawyer hastily replied. "I'll just let it stay as it is." For Mr. Howe's views are far-reaching, and it might incommode him to expose the structure of the plans he is elaborating at this stage of the game.

Our progress has been so rapid that now, on the second day of the trial, we were nearly at the point where, in the previous trial, the proceedings had been interrupted by the confession of Mrs. Nock. The unprintable evidence connected with the identification was that which aroused most interest among the ladies whose presence purifies the otherwise sordid conditions prevailing in the court room. But there was some new matter, as regards the sawing of the bone of one of the legs in the Morgue, brought out in Mr. Howe's cross-examination of Isaac Newton, the bearing of which we shall see later on. The tendency was to invalidate the identification; but the redirect examination, showing that the existence of a number of marks on Goldensuppe's body, and of similar ones on the State's exhibits, was accountable only on the theory that the latter and the former were the same, took the weight out of Mr. Howe's suggestion.
By the hour of adjournment most of the preliminaries of the true interest